

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TIMOTHY LANCE HILL

Plaintiff,

v.

**FIRST ADVANTAGE
CORPORATION**

Defendant.

Civil Action No.

1:15-cv-02731-SCJ-GGB

PLAINTIFF’S INITIAL DISCLOSURES

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff’s contentions as to what defendants did or failed to do, and a succinct statement of the legal issues in the case.

Plaintiff brings this action for damages against First Advantage Corporation (hereafter “First Advantage”) for alleging violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.* for its failure to assure the maximum possible accuracy of the Plaintiff’s consumer credit files. Specifically, Plaintiff alleges that

First Advantage Defendant reported derogatory and inaccurate information on Plaintiff's background check that did not belong to him.

As a result of Defendant's inaccurate reporting, Plaintiff has lost credit opportunities, experienced damage to his credit reputation and suffered emotional distress. Plaintiff seeks statutory, actual and punitive damages, as well as his costs of the action together with reasonable attorney's fees once he is successful in establishing liability.

The Legal Issues to be tried are as follows:

1. Whether the Defendant negligently and/or willfully failed to follow reasonable procedures to assure maximum possible accuracy of the information in Plaintiff's credit files as required by the FCRA, 15 U.S.C. § 1681e(b);
2. The amount of actual damages to which Plaintiff is entitled;
3. The amount of statutory damages to be awarded to Plaintiff,
4. The amount of punitive damages to be awarded to Plaintiff.

(2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

- *Cahlin v. GMAC*, 936 F. 2d 1151 (11th Cir. 1991)
- *Ray v. Equifax Info. Servs. LLC*, 327 F. App'x 819 (11th Cir. 2009)
- *Safeco Ins. Co. of America v. Burr* 551 U.S. 47 (2007)
- *Seamans v. Temple Univ.*, 744 F.3d 853 (3d Cir. 2014)
- *Saunders v. Branch Banking And Trust Co. of VA* 526 F.3d 142 (4th Cir.)
- *Smith v. E-backgroundchecks.com, Inc.*, 81 F. Supp. 3d 1342 (N.D. Ga. 2015)
- 15 U.S.C. §1681e(b), 1681n, 1681o

(3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

(5) Provide a copy of, or a description by category and location of, all documents, data compilations, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list

and descriptions to Initial Disclosures as Attachment C.)

(6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying as under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

- ACTUAL/COMPENSATORY DAMAGES; to be determined by the trier of fact;
- STATUTORY DAMAGES; \$1,000.00;
- PUNITIVE DAMAGES; to be determined by the trier of fact;
- ATTORNEY FEES AND COSTS; to be determined following trial.

(7) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the

judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Presently, Plaintiff knows of no insurance coverage.

(8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiff's cause of action and state the basis and extent of such interest.

None.

Respectfully Submitted,

FRANCIS & MAILMAN, P.C.

By: /s/ Gregory Gorski
(admitted *Pro Hac Vice*)
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215-940-8000 (Facsimile)
ggorski@consumerlawfirm.com

Dated: October 13, 2015

ATTACHMENT A

Individual Likely To Have Discoverable Information

1. Timothy Lance Hill
40 Shiloh North
Cabot, AR 72023
2. Ericka Hill
40 Shiloh North
Cabot, AR 72023
3. Madison Hill
16401 Chenal Valley Drive
Apt. 7212
Little Rock, AR 72223
2. Representatives from First Advantage Corporation
1 Concourse Parkway NE
Suite 200
Atlanta, GA 30328
3. All existing and prospective credit grantors who reviewed Plaintiff's credit report or file.

ATTACHMENT B

Expert Witness List

Plaintiff has not yet determined who, if anyone, he will call as an expert witness in this matter. Once such a determination is made, Plaintiff will forward any such expert reports to the Defendant as provided by the Federal Rules of Civil Procedure and the scheduling order(s) of this Court.

ATTACHMENT C

Document List

Without waiving any objections, Plaintiff refers Defendant to the documents Bates labeled HILL-1 through HILL-10 which are in Plaintiff's possession and likely to bear significantly in his claims in this matter.

HILL-1 through HILL-10 consists of:

- An April 2, 2015 First Advantage Report
- An April 6, 2015 Letter from Pulaski County Circuit Court
- An April 9, 2015 Arkansas Criminal History Report from Arkansas State Police

As discovery continues, Plaintiff reserves the right to supplement and/or amend these disclosures and this list.

ATTACHMENT D

Damages Document List

Plaintiff refers to the documents listed in Attachment C.

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CERTIFICATE OF SERVICE OF DISCOVERY

I GREGORY GORSKI hereby certify that I have on this day electronically filed the foregoing **PLAINTIFF'S INTIAL DISCLOSURES** with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following counsel of record:

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Frederick T. Smith
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(404) 892-7056 (Facsimile)

FRANCIS & MAILMAN, P.C.

/s/ Gregory Gorski

GREGORY GORSKI

(admitted *pro hac vice*)

Land Title Building, 19th Fl.

100 South Broad Street

Philadelphia, PA 19110

(215) 735-8600

Dated: October 13, 2015